

Kentucky



Gazette.

THREE DOLLARS PER ANNUM.

NEW SERIES—No. 12.—Vol. 2.

True to his charge—he comes, the Herald of a noisy world; News from all nations, lumb'ring at his back."

LEXINGTON, KY. THURSDAY MORNING MARCH 24, 1825.

[Vol. XXIX]



BY AUTHORITY.

[PUBLIC ACTS]

AN ACT confirming certain claims to lands in the Western District of Louisiana.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the claims to land embraced in the report made by the Commissioners appointed for adjusting the titles and claims to land in the Western District of Louisiana, upon the thirtieth day of December, eighteen hundred and fifteen, and recommended by them for confirmation be, and the same are hereby confirmed: *Provided*, that no person or persons shall be entitled, by any one claim, to a greater quantity than one league square under this act.

H. CLAY,

Speaker of the House of Representatives
JOHN GAILLARD,

President of the Senate, pro tempore.

Washington, Feb. 5, 1825: Approved

JAMES MONROE.

AN ACT making appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the following sums be, and the same are hereby, respectively, appropriated for the Military Service of the United States, for the year one thousand eight hundred and twenty-five, to wit:

For the pay of the army, and subsistence of officers, including the Military Academy, nine hundred and ninety-four thousand four hundred and seven dollars and seventy-five cents.

For subsistence, in addition to an unexpended balance on the first of January, one thousand eight hundred and twenty-five, of twenty-nine thousand one hundred and eighty-eight dollars and forty-five cents, two hundred and sixty thousand four hundred and twenty-nine dollars and fifty-five cents.

For forage for officers, thirty-five thousand five hundred and twenty dollars.

For the recruiting service, in addition to an unexpended balance on the first of January, one thousand eight hundred and twenty-five, of one thousand dollars, twenty-three thousand five hundred dollars.

For the contingent expenses of the recruiting service, in addition to an unexpended balance on the first of January, one thousand eight hundred and twenty-five, of eight thousand five hundred dollars, three thousand seven hundred and fifty dollars.

For the Purchasing Department, two hundred and four thousand five hundred and forty-nine dollars and eighty-six cents.

For the purchase of woollens, during the year one thousand eight hundred and twenty-five, in advance for the year one thousand eight hundred and twenty-six, twenty thousand dollars.

For the expense of building a brick wall round the arsenal lot, on Schuykill, and repairs of public buildings thereon, eight thousand dollars.

For Medical and Hospital Department, in addition to amount on hand, on first of January, one thousand eight hundred and twenty-five, of thirteen thousand dollars.

For Quartermaster General's Department, two hundred and eighty-four thousand nine hundred and seventy-three dollars and seventy-five cents.

For Quartermaster's supplies, transportation, mathematical instruments, books, and stationery, for the Military Academy at West Point, eleven thousand five hundred dollars, twenty thousand dollars.

For the contingencies of the army, ten thousand dollars.

For the National Armories, three hundred and sixty thousand dollars.

For the current expenses of the Ordnance Service, forty thousand seven hundred dollars.

For Arsenals, forty-four thousand six hundred dollars.

For the pensions to the Revolutionary Pensioners of the United States, one million two hundred and forty-eight thousand four hundred and fifty two dollars and twenty-six cents.

For the half pay pensions to widows and orphans, twenty thousand dollars.

For making surveys, and carrying on the operations of the Board of Engineers, in relation to internal improvements, and in addition to an unexpended balance on hand, twenty-eight thousand five hundred and sixty-seven dollars.

For paying certain States the amount due on account of Militia in the service of the United States during the late war, ninety-two thousand five hundred and thirty-five thousand dollars and seventy-seven cents, being an amount heretofore appropriated, and which has passed to the surplus fund.

Sec. 2. And be it further enacted, That the several sums hereby appropriated shall be paid out of any money in the Treasury, not otherwise appropriated: *Provided*, however, That no money appropriated by this act, shall be paid to any person or

his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided*, also, That nothing in this section contained shall be construed to extend to balances arising solely from the depreciation of Treasury notes received by such person to be expended in the public service; but, in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or Attorney, to report forthwith, to the Agent of the Treasury Department, the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced against such delinquent or his sureties: Washington, Feb. 21, 1825. Approved.

Botanic Garden.

WANTED a man to quarry stones; also one hundred Cedar posts ten feet high; also a cart by the day or job, and some young Cedars, Pines, Evergreens and other trees, shrubs, &c.

Apply to

JOSEPH FICKLIN P. M.
th, 1825—11-17.

FOR SALE.

A HOUSE AND LOT in the town of Nicholasville, Jessamine county known by its number, 45. It is opposite the Court house, and adjoining Capt. Lightowler's tavern. It contains 45 feet in front. Any person wishing to purchase the said lot enquire for particulars as to the terms of sale, of Michael Rice or of the subscriber.

DANIEL RICE.

Jessamine county March 17 1825—11-31.

Lexington Library.

THE persons each of whom subscribed fifty dollars towards the purchase of the Lexington Library House and Lot, will please to take notice, that the second instalment of their subscription will become due on the 10th of next month.

ALL OTHERS, indebted to the Library either by subscription or for contributions are also requested to make payment in order to enable the institution, to fulfil its contract by paying \$830 specie which will be due at the above date.

By order of the Board of DIRECTORS.
Lexington March 17 1825—11-31.

EDWARD WEST COMPLAINTANT,

AGAINST
J. H. CHANCERY

Wm. H. TEGARDEN & JACOB SHAROCK DEFENDANTS.

In pursuance of a decree of the Honourable the Fayette Circuit Court made at the February term 1825 in the above cause, there will be exposed to sale at public auction on the 13th day of April next two valuable lots of Ground situated on Water Street in the town of Lexington at the Upper end of the lower Market House, having thereon two large Brick Houses at present occupied by Messrs. Stephen Young, and Alexander Drennon. They will be sold separately on a credit of two years for lawful money of the United States. Bond with approved security bearing interest from the date will be required from the purchaser. Said property or so much thereof as may be necessary, will be sold to satisfy the Complaintant certain sums of money as specified in said decree. The title to the above property is believed to be unquestionable. Sale will take place on the premises at 11 A. M.

JOSEPH TOWLER, Com'r.
Lex. March 16 1825—11-31.

From the Russellville Messenger.

(BY REQUEST.)

Well neighbors, I have just returned from my little town, where I had a desperate blaze. I had some business to do there, but had no opportunity of doing it, as I could scarcely pass through the town; I was carried there to hear the pleadings of a federalist-court-party lawyer, until got tired and sick of the noise, and was glad to get home, and at the expense too, of leaving my business undone. They told me every thing, God knows what for; I do not remember half they told me, that the main pillar of government was prostrated, and that we stood on the brink of desolation, bloodshed and ruin. I replied that I apprehended no danger of "blood shed," and as to ruin, I could conceive of no other persons being ruined, but the old tyrannical court and the federalist lawyers; and as to we farmers, we apprehend no danger, as we are living in harmonious concord, and that it was for the purpose of removing those tyrannical judges, we sent our last legislature, and we now only have to wait when done thou good and faithful servants, thou hast been faithful over a few things and we will make you ruler over many things." Stop, stop was the cry from all quarters! Can you say well due to a set of men, who can coldly & premeditatedly purjure themselves? They were sworn to support the constitution; and here they have repealed a law that was made by that sacred instrument. Neighbors, I took the liberty to stop them here, and told them that I could not expect to vie with lawyers, as their trade was chicanery, and mine that of "Ploughshare and pruning hook;" but as it appears that this point is the grand pivot on which all is to turn, (to wit) whether the constitution or the Legislature enacted the law establishing the court of appeals. Neighbors, all parties agreed that it was on this point, that they contended. I then made the following propositions: Supposing, immediately after the close of the convention, our country had become suddenly annihilated, could any future historian say that Kentucky ever had any court of appeals, the answer was no; but that the constitution enjoined this on the Legislature, and therefore it became an act of the constitution. I said stop lawyer, you enjoin it on the legislature to make a law that is already made—non-sense in the extreme; you give them a task that I should not know how to begin; and had they considered such a task before them, they undoubtedly would have commenced another way, and instead of the bill establishing the court of appeals, reading as it now does, we would find it in words something like these: We are about to enact a law already enacted and established the court of appeals, already established by the constitution. They told me I was dim-sighted, as well as all of my calling; (farmers) this I acknowledged, as it related to myself; but pointed them to a number of men in the state, whose talents were indisputable, who defended the side of the majority; they could not dispute their talents; but

said they were villainous mercenary men. I pointed them to others, whose virtues could not be impeached. The reply was, that they were fools. So, neighbors we may conclude from this, that all on the side of the majority is either villains or fools; and all on the side of the minority is clever fellows, and Solomons. They then hunted up a number of newspapers, and read me (I can't say how many) preambles, resolutions and protests, drawn up by the minority against the last legislature; but I am happy to relate to you neighbors, that there was not a republican's name assigned to any of them; but all federalists of the deepest dye. They continued to vary the subject every way, and would occasionally mention the glorious administration of John Adams, and the happy plan of constitution drawn up by Alexander Hamilton, and had it not been for that old dunce (Patrick Henry) who so greatly adulterated it with his foolish harangues, we should now have had a constitution worth something, pure and genuine from the immortal pen of Hamilton, and then the wise people would have held their tongues about their state rights.

They further more told me, that let our grievances be what they may, we have no right to expect redress by and through the Legislature; but, that the constitution was the immediate act and will of the people; and that it was by and through a convention alone, that we could have immediate redress—I told them they reminded me of the Devil trying to tempt the Christian, by directing him around to another door for entrance into the holy Asylum, which door he (Devil) had strongly barred up—I say strongly barred up—as they had from the last Legislature that the minority amounts to a little more than one third of the members, and that we can have no entrance there—and their next object is to stop the next avenue with their own persons; and could they succeed in hindering us farmers so as to let them in, I would then agree with them, that we are on the brink of ruin—but I trust that we know our interest too well to send them there. We had as well set the wolves to watch our sheep, or the foxes to keep our geese. Remember Lawyers, we farmers don't do business in this way—And I also told that they are shooting guns at John Rowan from all quarters, for having forsaken their standard; and I much doubt whether there was a greater alarm given in the "dark regions" by the conviction of Saul of Tarsus, and his conversion to the holy faith, than was given to the federal camp when Rowan forsaken them. And is it not our duty, neighbors to receive him as a "returning prodigal," as there is more joy in heaven over one sinner that repenteth, than ninety and nine just persons, that needeth no repentance.

A FARMER.

FROM THE ARGUS.

JO DRINKER—AGAIN.

Jo is an unlucky dog. His former letter is said to have put him mortally out of favour with all the royalists about Frankfort. It is feared the poor fellow will share the same fate in Washington. The following letter, which was intercepted by a Mercator republican who caught and examined a royal messenger on his way to corporal Pen in Versailles, discloses some secrets as to the operations of the royal army of the centre.

SPRINGFIELD, March 6th, 1825.

Dear Peggy—I am sorry my letter did not get into the hands of the rebels, because it was made known to the rest of the sycophants and courtiers with me. They say as how, I tell secrets out of school; but Lord, Peggy, how could I do it, would it get into the hands of the rebels, all they would print it! But they're so mad, they resent me off clean away down to Washington county to General Pen and Col. Cosby, and they say I must dress myself up like a rebel and take around the country Captain Pen's Public Advisers, a sort of proclamation which he sends out from Louisville every week—sixty or more at a time. Goodness nose who pays for such a heap of papers, just to give away. But they say there's a bank at Louisville. Now Peggy, I don't like to go like a hound dog of a spy, to tote Captain Pen's proclamations, an tell lies just for three mad-jesties; but I've tuk the bounty, so I must.

Dear Peggy, what for did you gin your letter to corporal Dams? He hasn't much sense any how, and he thinks when any body gins him any thing it's to go in the papers. Why didn't you notify him, that it was to be sent to me by him, for three mad-jesties' people and no sense in the papers to make a fool of yourself? do wouldn't let me print his non-sense; but the rebels tuk his letter prisoner somehow and put it in the Argus.

Dear Peggy, I would take the motto you tell of—"For the constitution of my country;" and jine the country boys; but as I told you before, I hav tuk the bounty, and so I must be for three mad-jesties, and I can't be for the constitution nor for my country, but only for three mad-jesties. I hate it Peggy, worse as you does; but we Kentucky boys never nitches, rite or rong—so I'll stick or go home—Huzza for three mad-jesties and all other mad people—I'll ute for um a day after Im dead—I hate it tho. So mind little Jo, and dont scold me any more about pollyticks.

Your Invin husband,

JO DRINKER.

Note the Bone. General Sneed has rita a book, and I've got sum for the Washington people. An die fox, he makes me laff. He jest wants his fort and american back again, and so he is going to talk the rebels out. General Po. ses, hes had the fort 23 years and laid up in it sixty thousand dollars the rebels didnt git, and hed better tak care of what hes got an let the fort go. But then he ses, he'll fite for um, because he belongs to three mad-jesties and has the "property qualification."

2d Note the Bone. Dont let the rebels tak this letter prisoner; for General Pop and (uncle) Cosby will be ad with me for tellin about Capt. Pen's proclamations, an the Washington rebels when they sees me comin along with them, will say, THERE CUMS JO DRINKER, MR. POPE'S MAN, an they will tak me and tuk me up on the first hangin lim, like a bitin dog.

J. D.

Garden Seeds.

Of the last year's growth, For Sale by the Subscriber,—also

Patent Polish Shoe Blacking.

Suitable for ladies' as well as gentlemen's shoes: is a preservative to the leather, and gives a beautiful polish, at 25 cents currency a single box, and 25 per cent deduction, wholesale. For the convenience of families, it will be sold at 50 cents per pound, without tin boxes. He has likewise for sale, cold pressed

Castor Oil, Paints, Oil, Putty, Varnish, &c.

JOHN STICKNEY,

near the Ky. Bank.

Lexington, Feb. 8.—6-4

FOREIGN.

The sales of cotton in London, during the week ending January 11th, amounting to upwards of 24,000 bags; hemp was at 42 to 45. Three per cent, stocks, reduced, were on the 15th, at \$1 1-8 1-4 1-8—Consols for Account 93 4 7-8. The recognition of the South American States by the government had excited a lively sensation throughout the country, particularly in the manufacturing districts, and all securities relative to these countries had advanced rapidly. So great was the rage for speculating in Mining Shares, that one in the Real del Monte Mine, on which 700 only had been p'd sold for 1200. On the same day that the Romney sailed the frigate Egeria left Plymouth for Carthage, with Col. Campbell, and thence to Very Cruz, with the commissioners for Mexico. Orders has also been sent to the British agents at Buenos and Chili to form treaties with the governments of these countries, whenever they should be desirous of doing so. Sir Charles Stuart was likewise about to proceed to Lisbon, and from thence to Brazil on an important political mission; and in case Portugal declined an arrangement for acknowledging the independence of Brazil, it was understood that England would conclude a separate treaty of commerce with Brazil, based on the fact of her independence.

These proceedings seem not to have been relished by the French government, if we may judge from the language of the Etoile, their official journal. It is there said, that "the principles of Austria, Russia, and Prussia, as well as France, are at variance with what she (England) has done. If her object be commerce, France never will consent that she stipulate for exclusive privileges. Considered in a political point, England has committed a dangerous act by the example which is thus given to her own colonies."

Another expedition to Africa to explore the course of the Niger, is said to have been resolved on by the British government; Captain Laing, who was at Sierra Leone under Sir C. McCarthy, is to be at the head of it, with two secretaries, 16 men, and an ample supply of money and other necessities.

From the London Public Ledger.

We have received a copy of the Message to the American Congress, and give to-day such parts of it as are worthy of General consideration. It is as usual a glowing picture, though as free from exaggeration as possible, of the influence which good institutions, with a wise Government, have upon the lot of a people. These good effects are so perceptible in the present instance that they offer a most triumphant refutation of the miserable sophistries which issue occasionally from the Imperial Presses of Vienna and St. Peter-burg. If we compare the situation of the Americans, as it is described in the simple language of their President's Message, with that of the subjects of their Imperial Majesties, how the contrast strikes us; whilst it confirms those political predilections which we share in common with all free men. In one country, we see every thing having a tendency to make man what his Creator intended him to be, leading itself to this grand social consummation—universal education cherished; industry encouraged; person and property enjoying the most perfect protection; and the population increasing with a rapidity to which we can find no parallel, and what is extraordinary, without the vice or misery with which it is too often accompanied in other countries.

THE BATTLE OF FRANKFORT.

REPORT OF MAJ. GEN. ROBERTSON, EARL OF LANCASTER, of the Royal Army of the centre, to their Majesties, the Septenwiri of the United States.

Royal Army of the centre, Head Quarters, U. S. B. Bank, Louisville, Jan. 20th, 1825.

May I please your Majesties. Although you may have received partial statements, from Col. Sir W. T. Willis, Commodore Bryan and other Royalists, as to the progress of the Royal cause in Kent'y, yet I feel bound to give you a more particular account and especially of the grand battle lately fought between the Royalists and the rebel Judge-breakers on the plains of Frankfort.

A long time previous to the commencement of the campaign, the greatest exertions were made by your friends, their Majesties, the Triumvirate, to fill the ranks of the Royal Army. The largest bounties were offered, which were promptly paid at the branches of the United States Bank and at the old Bank of Kentucky. Enlistments progressed with such rapidity, that we began to entertain great hopes of being able easily to subdue the rebels.

But in the mean time, one of the rebels, who called himself Patrick Henry, circulated a report that the "rich and well born" royalists wished to govern the country; to rob the people of their rights and to make your friends the Triumvirate, absolute dictators of the laws of the land; and he published to the rebels so many strong reasons for his assertion, that they immediately took the alarm and began to heat up for volunteers. From this time the royal cause began to languish: And when the two armies were mustered and numbered: in August last, it was ascertained that the rebels had a majority over the royalists of near sixteen thousand men. The rebels chose Maj. General Joseph Desha as their Governor and commander in chief and insisted that, like the venerable Shelby, he should take the field in person against the Royalists. They chose Messrs. Rowan and M'Affee Maj. Generals, and Messrs. Ward, Daviess, Beauchamp and Denny, Brigadier Generals, together with many Colonels, Majors, &c. Their Majesties, the Triumvirate also de-

mined to take the field in person. They appointed his grace General Weaklift, Duke of the Town Fork, their commander in chief, together with several Major Generals and Brigadiers of the nobility, &c. to assist the commander of the royal army.

Both armies now made vigorous preparations for the opening of the campaign. Early in October their Majesties, with his grace General Weaklift, and a part of their forces marched to Frankfort, where they were joined by General Sir Achilles Sneed, & Sir John Mere-shell with a chosen body of royal guards. They fixed their head quarters at the old Bank of Kentucky; but lodged themselves in a splendid Mansion, which belongs to the French Bank of the United States. They here held several councils of war, to determine on the most effectual measures to defeat the rebel army, which was shortly expected. On the day of October, their Majesties were joined by the balance of the royal army, and on the same day the rebel army arrived under the command of the Gov. in person. He fixed his head quarters near the Capitol and early next morning he drew up his forces and delivered them an able speech, in which he endeavoured to prove the usurpations of their Majesties, the Triumvirate and the right of the people to rule themselves. After which the rebel Generals called a council of war, and appointed a deputation of their most respectable officers, to wait upon their Majesties with a catalogue of grievances and demand redress, or otherwise that their Majesties should forthwith surrender their authority and permit others to be appointed in their stead.— This catalogue of grievances was presented to their Majesties by Maj. General Rowan. Their Majesties wished time to consider of this business, which was readily granted by the rebel Generals. After many days deliberation, their Majesties sent into the rebel camp a response, in which they clearly prove their right to rule this country regardless of the opinions of the people, and that they are not responsible to the people or their rebel army for error or opinion or any thing short of Judicial corruption. This response produced great murmuring in the rebel army and they cried out with one voice "LIBERTY OR DEATH." The rebels had the audacity to send a proud defiance to their Majesties, in which they reiterated the right of the people to govern themselves and even to reverse the decrees of their Majesties, the Triumvirate. Both armies now prepared for a general engagement. The Governor drew up the rebel army in order of battle, with the right wing under the command of Maj. General Rowan, assisted by Generals Ward and Daviess, on the West of the old Capitol; the left wing under the command of Maj. General M'Affee, assisted by Generals Beauchamp and Denny, on the East of the old Capitol: The centre, near the Capitol and fronting the old Bank of Kentucky, the Governor commanded in person. Their Majesties formed their centre at the old Bank of Kentucky, where they stationed their royal guards under command of Gen. Sir Achilles Sneed and Col. Sir John Mere-shell. They ordered General Flournoy, Marquis of South Fork, General Allen, Marquis of Winchester, with the right wing of the royalists to march upon the left wing of the rebels, and bring on the engagement, whilst his grace Gen Weaklift with the left wing was directed to keep the right wing of the rebels in check, prevent reinforcements, &c. until their Majesties should receive intelligence of the success of their right wing upon the left of the rebel army.

As soon as the royalists under Generals, the Marquises of South Fork and Winchester, made an attack upon the rebels under General M'Affee, Col. Carneal, it is supposed from his great love of Col. Sir John Mere-shell, deserted and came over to the royalists. This defection produced great confusion among the rebels; but, by the exertions of Generals M'Affee, Beauchamp and Denny, order was soon restored and the rebels then fought with a coolness and bravery rarely surpassed. The Marquis of South Fork now led the royalists to the attack, and charged upon the rebels with great violence, and was ably supported by the Marquis of Winchester, but they were received by Generals Denny and Beauchamp and Cols. Allen, Yancy and Ewing; with such cool and determined courage, that they were unable to make any impression upon the rebels, and they soon retired. The Marquis of Winchester renewed the attack and was supported by the Marquis of South Fork and Colonels Sir Francis Lockett and Sir James Crutcher and was again repulsed with loss. The Marquis of South Fork enraged at his repeated disasters, returned to the charge with more violence than ever: but was again repulsed with considerable loss, which threw the royalists into great confusion. Generals Beauchamp and Denny, who had hitherto acted on the defensive, took advantage of this favourable crisis and led the whole rebel force to the attack. They charged with such impetuosity, that the royalists were unable to make any effectual resistance, and although the Marquis of South Fork and Winchester and Col. Sir Francis Lockett and Col. Carneal, fought with the greatest bravery and did wonders in rallying the royalists and resisting the charge of the rebels; yet the royalists were overpowered by numbers and forced to fly in every direction, leaving the rebels to claim the victory.

When their Majesties, the Triumvirate, received intelligence of the defeat of their right wing by the rebels, they were greatly vexed and

shared his grace Gen. Weaklift, with the whole of the royal army, except the royal guards, that attack the right wing of the rebel army under Generals Rowan, Ward and Davies. The Governor, anticipating the contemplated attack, reviewed the right wing of his army early on Tuesday morning Dec. 21st, accompanied by two of his aids-de-camp, Majors Barry and Monroe. He found the troops, both officers and men, in high spirits, anxiously awaiting the attack and resolved to overthrow Judicial Supremacy and restore to the people their pretended rights, or perish in the attempt. In the mean time the royal army was put in motion by his grace General Weaklift. His grace was elegantly mounted upon a beautiful white horse, richly caparisoned with the most costly trappings. His dress was rich and splendid beyond description, with a long white plume waving in the air. On his breast he wore a large golden breast-plate, with this inscription in large capitals: "MYSELF." In his left hand he held a large golden shield, upon one side of which were inscribed, "The Constitution," Alexander Hamilton and Judicial Supremacy; on the other, "The Supreme Court of the United States," "If their Majesties the Triumvirate should be thrown by the rebels, we will appeal to their Majesties the Septemviri for assistance."

The rebel army was led out to meet him by Maj. General Rowan. The General was mounted upon a fine black horse plumed caparisoned. His dress was of neat domestic cloth. He wore a breast plate of brass upon which was inscribed "Liberty and Equality." He held in his left hand a large brazen shield, with this inscription on one side: "The rights of the People!" and on the other: "The Judiciary must be responsible to the people."

Just as the armies met, Col. Cosby deserted and joined the banners of his grace, General Weaklift, and as a proof of his sincerity, commenced a tremendous fire upon the rebels: but was quickly silenced by Major Mason, who promptly returned his fire. Col. Sir Squire Turner commenced the attack on the part of the royalists; but was quickly repulsed. Gen. Green Marquis of Dan, then made a bold and daring attack upon the rebels, crying out "King Caucus! King Caucus!" as he charged upon their ranks; which somewhat disconcerted the Governor's aide-camp, Maj. Barry, and friendly counsellor Bibb; but he was quickly repulsed with disgrace. Col. Sir Daniel Breck, then made a charge upon the rebels, which I endeavored to support; but we were soon forced to retire. Sir Daniel, not at all disheartened at our repulse, again advanced upon the enemy, and like Goliath of Gath, boldly defied the armies of the rebels. He called upon any of their burning and shining lights of war, to come out and meet him on fair and equal terms in a pitched battle.

The gallant Col. Joyes, David like, advanced upon our Goliath and engaged him in a single combat. Both armies looked on with admiration and the deepest solicitude, hoping that the battle might be happily terminated by single combat. But just at this important crisis, Maj. Triplett deserted to the royalists and opened a heavy fire upon his old friends the rebel Judge breakers. This so enraged the rebel army, that, by one simultaneous movement, they charged upon the royalists and from this moment the battle became general throughout the whole line, & Maj. Triplett was repulsed with considerable loss, by Majors Booker and Hunter. The Marquis of Dan made a bold attack upon Gen. Davies, but was repulsed and driven to the very rear of the royal army. Gen. Hardin Earl of Bardstown made a bold assault upon the centre and was ably supported by the intrepid Col. Cosby; but Gen. Rowan rushed upon them both and forced them to retire. Col. Sir Squire Turner and the gallant Major Sir Charles Thurston now made a bold charge upon the rebels and were supported by the brave Sergeant Major, Col. Taylor; but they were repulsed with some loss by General Davies aided by Majors Mason and Garth. Col. Hardin now deserted from the rebels and fought under the banners of his cousin the Earl of Bardstown. He opened a heavy fire upon the rebels but was soon repulsed by the gallant Captains Morgan and Marpin and compelled to retreat to the very rear of his cousin, the Earl, closely pursued by his assailants and would have been captured, had it not been for the timely assistance of Col. Sir John M. McConnell who made an able diversion in his favour.

His grace General Weaklift, now charged upon the centre of the rebels; but seeing Major Mason advanced upon him, he fell back and ordered Capt. Simpson and Col. Cosby to take his place, but the gallant Marpin joined Maj. Mason and compelled them to retire under the banners of his grace. Sir Daniel again marched between the two armies; cried out "King Caucus! King Caucus!" and renewed his challenge to fight a single combat. But the venerable General Sir Thomas Kennedy, declared that, as it was late at night, it would be imprudent, and proposed a cessation of hostilities until morning, which was agreed to and both armies retired into their camps.

Early on the morning of the 22nd the royal army was drawn up in battle array by his grace General Weaklift. He ordered Col. Chappesse of the royalists to make a bold charge upon the rebels, which was promptly executed and maintained a long time with great effect. Major Sir Charles and Capt. Wilson were ordered to support Col. Chappesse, which they did with great bravery; but were resisted by Col. Shortridge, who returned their fire with great boldness. Maj. Triplett again charged his old friends, the rebel Judge breakers, and was ably supported by Maj. Morris; but they met with such a warm reception from Col. Booker, that they were thrown into confusion and forced to retire. Colonels Sir W. T. Willis and Sir Charles M. Cunningham were then ordered to the charge, which was boldly and bravely executed by the latter and resisted by Major Summers and Muckberry.

Col. Linton of the rebel army now made a daring assault upon the royalists, crying out to give no quarters, but to slay and spare not? He was indignantly opposed by Sir Squire, and not being supported by the rebels, was forced to retire. Maj. Sir Archibald Woods of the royalists now made a formidable attack upon the rebels, but being late at night, he was not supported by the royalists, and fell back to his own troops, when both armies retired into their respective encampments.

Early on Thursday morning the 23rd of December his grace General Weaklift led out the

royalists to renew the battle with the rebel Judge breakers; but he found that Maj. General Rowan had previously drawn up the rebel army in a solid body, with their helmets, shields and spears so arranged as to render them almost impenetrable. His grace General Weaklift, was at first much embarrassed at the sight of this novel compact and formidable body of rebels; but having somewhat regained his wonted coolness, he ordered me with my whole division to make a violent charge upon the rebels, which he promised to support with the whole force of the royal army. Proud of the honour conferred upon me by his grace, we rushed upon the rebels with the impetuosity of the Roman Legion and made a tremendous assault but we found them as firm and impenetrable as the Grecian Phalanx. I continued for several hours to charge upon the rebels with a formidable force; but could make no impression upon their solid Phalanx. I then gave way to his grace General Weaklift, who led on the whole royal force to the attack, and charged the rebel hosts with all the bravery his grace could summon to his aid from heaven, earth or hell. His grace continued this daring and masterly attack for four or five hours; but with no other effect than to cut off Capt. Galloway from the rebel phalanx and made him retreat behind the baggage, and to compel Capt. Morgan, to cry out for quarters, which his grace magnanimously granted to this young hero.

It was now dark, and the royalists, despairing of being able to break this solid phalanx by fair and open warfare, the Marquis of Dan, devised the bold stratagem of throwing them all into confusion by proclaiming that the city of Frankfort was on fire. In a moment all was confusion and this formidable phalanx was completely broken, and might have been defeated, had it not been for the great exertions of Generals Rowan and Ward. Gen. Ward instantaneously cried "Order! order!" and used every exertion to reorganise the phalanx, but was unable to succeed, until General Rowan directed his aid-de-camp, Maj. Mason to proclaim through the rebel army, that it was a trick of the royalists. By this means order was restored to the rebel phalanx, before the royalists, who had also been thrown into confusion, could take any advantage of their situation. This treachery so much enraged the rebels, that they determined to make a general charge upon the royalists. Col. Holt broke from the phalanx and rushed upon the royalists crying out to the rebels to follow him and give no quarter, but he was met by Col. Sir Richard New, who indignantly assailed him and compelled him to retreat within the phalanx.

Maj. General Rowan now ordered Gen. Davies to lead the rebel phalanx against the royalists, which was promptly done with such violence that it required the greatest exertions of his grace, Gen. Weaklift, and the Earl of Bardstown to prevent the royalists from surrendering to this formidable attack. But at this critical moment, the Earl of Bardstown rushed upon Gen. Davies and assailed him with such violence that he was forced to retire with precipitation and the phalanx was thrown into great confusion. The royalists shouted victory! and his grace General Weaklift led the whole royal legion to attack the broken phalanx of the rebels. The eagle eyed Rowan saw that the crisis had now arrived, which was to decide the fate of the great battle. He instantly restored order to the broken phalanx; sounded the charge upon the royalists and rushed upon his grace General Weaklift, like the Nemean Lion. His grace was instantly thrown into the utmost consternation, and affrighted fled through the thickest ranks of the royalists. Gen. Rowan then charged upon the Earl of Bardstown, who was forced to retire before him; then upon myself and I am sorry to say that I soon shared a similar fate. In the mean time the Marquis of Dan, Sir Squire, Sir William, and many other royalists of inferior note assailed General Rowan in the rear, adding each side, crying out "Caesar! Caesar!" with the tyrant; but he shook them from him "as the lion shakes the dew drops from his mane." The rebels now shouted victory! and the royalists fled in every direction. Col. Breck, Marquis of Green, made great efforts to rally them but all in vain for his grace, General Weaklift, was flying from rank to rank, crying out my horse my horse, a king dom for a horse! His friends made every effort to restore his wonted composure and gave him large portions of Dutch courage, but it all would not do; he continued to cry for his horse. His horse was brought but his grace was so far overcome, that he lost both his shield and plume as he mounted his white charger. But away he went full speed and never stopped until he reached that strong fortress the U. S. B. at Lexington. He then became as brave as Pompey and issued a proclamation denouncing the Governor, General Rowan and Maj. Barry as Caesar, Anthony and Lepidus!!

When their Majesties the Triumvirate received intelligence of this great disaster, they were sorely distressed and shut themselves up in their strong fortress, the old Bank of Ky. with their royal guards under the command of Sir Achilles and Col. Sir John Mere-shell, with a determination of holding out to the last extremity. But upon further reflection they determined the next morning to place the strong fortress, their armaments of war, baggage and public property of every description under the command of the valiant Sir Achilles and leave this scene of disaster as soon as possible. Arrangements were accordingly made, and about 11 o'clock on the morning of the 24th of Dec. whilst the Governor and Maj. Barry were making arrangements to take this strong fortress by storm their Majesties mounted their horses and fled. Many of the royalists exclaimed that their Majesties fled ignominiously before the rebel Governor, as Procter did before the venerable Governor Shelby.

This ended the memorable battle at Frankfort, which dethroned their Majesties the Triumvirate, and I fear has forever overturned judicial supremacy in Kentucky. Indeed, I should not be astonished if its shock like that of an earthquake, should even reach the Capitol of the Union and shake that Judicial Supremacy, which your Majesties, the Septemviri, have so long and so rightfully maintained over the people of the United States. God preserve your Majesties many years.

GEORGE, EARL OF LANCASTER,
Commander of the Royal Army of the Centre.

To the Citizens of the Seventh Congressional District composed of the Counties of Jessamine, Lincoln, Mercer, and Washington.

The approaching termination of the period for which you first elected me, renders it proper that I should give to you, succinctly, the principal public measures to which the present Congress has given rise, and the gratitude inspired by your confidence and partiality, as well as the ties of common interest and feeling that connect us, makes the sense of duty I experience most truly a source of pleasure.

It will be borne in mind that, previous to the commencement of my service as your representative, the great principles of internal improvement and domestic manufactures had not been incorporated into our national policy. At the last session they both provided. The views of political economy by which they were recommended, have been so far justified by their effects. Individual skill and industry, tempted into new channels, have been rewarded by encouraging profits, and stimulated by fairer prospects; and the public revenue exhibits a corresponding increase. On these important advances in the practical wisdom of our councils, I sincerely congratulate you. The advantages they promise to the country are more easily foreseen than estimated. Whether in peace or in war, the fiscal and economical results of a system of internal

improvement, which shall bring into legitimate and convenient connection the most distant points of our extensive territory, must for themselves upon the mind of every one. The Potomac and Ohio canal, authorized by Congress and the contiguous states, will, for example, offer to the farmers of the west the markets of the Chesapeake, and give an increased value to the produce of that east and fertile region which will instantaneously over-pay the expenses of the work. The transportation of arms and munitions of war, and the concentration of armies, are also occasions in which the benefits of the system will be deeply felt. Nor are its political effects less valuable in their tendency to perpetuate the Union; they prevent the growth of sectional prejudices and estrangements which are apt to arise between the inhabitants of remote districts; they tend to equalize the expenditure of public money, withdrawing a portion of it from the seaboard to the interior; they moreover, prepare the country for every vicissitude by the development of domestic commerce, which will sustain and invigorate the community, even under the pressure of war. Connected with this wise and salutary system, are the two acts of the present session, one making an appropriation of one hundred and fifty thousand dollars to the extension of the Cumberland road to Zanesville, in Ohio, the other authorizing the subscription of stock in the Delaware and Chesapeake Canal Company. I need not enlarge upon the reciprocal influence which internal improvements and domestic manufactures will exert upon each other. Whatever diversifies the products of our industry must augment the intercourse of our citizens, and the communication between the different parts of the country; and this intercourse will require and maintain a system of roads and canals. The present session, limited by the Constitution, has been still further abridged, as to its legislation, by the important contingent duty, which devolved upon the House of Representatives, of electing a President. It is true that the ballot for a President consumed but a short time, but it will not be denied that it occupied much of our time and attention previous to its commencement. In the performance of this important duty I deemed myself the organ of your wishes. As far as I could ascertain them, I so voted. I was among those who supported the claims of General JACKSON. But, although our ordinary duties were thus interrupted, we passed a bill, in addition to the acts already alluded to, authorizing the President to occupy and settle the country near the mouth of the Columbia or Oregon River. And much time has been consumed, and much talent elicited, on the bill making further provisions for the suppression of piracy; a measure called for alike by the interests of humanity and of commerce; a bill to provide for losses sustained by the citizens of New York, on the Niagara frontier during the late war; a bill further to provide for the punishment of crimes against the United States; the general, military, and naval, appropriations for the present year; a revision of the whole system regulating the General Post Office Department; a bill to endow the asylums for teaching the deaf and dumb of Kentucky, New York, and Pennsylvania; resolutions providing a fund for the encouragement and diffusion of literature throughout the United States; resolutions proposing amendments to the Constitution of the United States upon the subject of electing a President and Vice President, &c. which have not, but may be, finally acted upon at the present session. In addition to these topics, much time and attention was devoted to a still more important and interesting subject. An effort was made to procure a fair extension, to the western states, of the benefits of our judicial system, and such an organization of the Supreme Court, as seems to be demanded, not only by the character of its decrees affecting Kentucky, but by the general form and spirit of our institutions. I am sorry to say the effort was not successful; the measure was finally acted upon. It was urged that the present session did not furnish time for full discussion and investigation. I regret to add, that among the formidable obstacles which we had to encounter, was the corps of lawyers who act in the double capacity of representatives in Congress and attorneys in the Supreme Court, who are indisposed to perceive any imperfection in a tribunal which their profession and interest teach them to revere. I cannot be understood to reflect on that enlightened profession, or on any particular member of it; but with few exceptions, the remark I have made will be found to be just. I am convinced that the principles contended for by the advocates of the measures alluded to will finally prevail. The discussion of those subjects will serve to awaken the public mind to the danger to be apprehended from the encroachments of the Supreme Court, and to render that tribunal in some degree responsible to public opinion.

As our Government was formed by the people for their own good, it is their right, and their duty to inspect vigilantly the application and disbursement of the public treasure, upon the proper management of which the advantages of political society so essentially depend. To the influence of this salutary principle, exemplified in the strict economy of our expenditures, and the rigid accountability of our public officers, as well as to the operation of a judicious tariff, may be attributed the prosperous condition of our finances, which enables us to effect, as appears by the annual report of the Secretary of the Treasury, a rapid reduction of the public debt, a gradual increase of our navy, and a steady prosecution of such public works, as the interest and security of the country require. An event, which will forever distinguish the present Congress, was the reception given by them to their early and generous benefactor and friend General LA FAYETTE. It was deemed proper to repair, from the funds of the nation, the losses and sacrifices which his zeal in our cause had induced him to make of his private resources; and I was proud, in voting for this measure of justice, to be the organ of your sensibility to his pre-eminent claims, and chivalrous virtues.

In reviewing the term which I am about to complete, I experience the satisfaction of knowing that my abilities, though humble, have been faithfully devoted to your service; and that if an ardent zeal to discharge my duty, can afford a proper return for the honour which your preference has conferred on me, I shall not be considered faithless or ungrateful. The last election, though closely contested, eventuated in returning me a member of the 19th Congress. To say that I recur to that event with ardent feelings of gratitude to my friends is but a poor and tame expression of my feelings. To obtain the confidence of freemen, and to deserve it, is the highest object of my ambition; and to deserve it, is the utmost limit of my hopes. Whilst I flatter myself that experience will increase my ability to serve you, I am very sure it will not relax my exertions to be useful to my constituents, and to our common country.

Your Fellow-Citizen,
T. P. MOORE.
Feb 26th 1825.

Lexington Library.
THE persons each of whom subscribed fifty dollars towards the purchase of the Lexington Library, please to take notice, that the second instalment of the subscription will become due on the 1st of next month.

Communications.
FOR THE KENTUCKY GAZETTE.
The Grand Jury, at the present term of the Montgomery Circuit Court, deemed it a part of their official duty to present the majority of the last Legislature for repealing the law organizing the Court of Appeals, and establishing a Supreme Court and styling it the Court of Appeals. This measure is only another stride of judicial usurpation, and should be taken the people to a proper sense of the determination of that department of the Government to awe into a slavish submission, the people and their representatives. The Court party, conscious of their weakness in that County, had to resort to this stratagem in order to sustain for a moment their desponding hopes. The presentment and a correct history of the transaction will be viewed by posterity, and indeed by the present generation, in no other light than a feeble effort to advance over the heads of the people, an aristocratic party within the United States. Through some magical influence, pretty well understood in the County of Montgomery, the Deputy Sheriff, *deceitfully*, summoned a Grand Jury, highly composed of judge material: It is a remarkable fact that two of the well selected band were genuine republicans, and refused to sanction a proceeding which, in their estimation was a vital stab at the liberty and independence of the people. From every circumstance, this scheme was in agitation about three or four weeks. The document, when produced by the Foreman of this grand inquest, appeared to present some troops, the result of time and the Court party crowded in considerable numbers about the court house the day before the exhibition of this judicial farce.

Those who subscribed their names to the presentment were, as is well known, worthy disciples of judgeship. They, all, with the exception of one who did not vote at all, voted for Judge candidates; and in that section of the country a bare catalogue of their names produces a frown of disapprobation upon the cheek of every intelligent and honest man. The two most active jurors in bringing about this ill of attainer were, an old and experienced land-measurer whose sole object is to prostrate the Occupant law passed at the last session of the Legislature, and a certain old constable, who but a few years since was removed from office by the County Court, for malfeasance in his official conduct. To explain-meaning man, not skilled in the duplicity of intrigue, it seems that these two latter characters were very unfit to fill so high and honorable a station as that of Grand juryman. Their characters and conduct have, for several years, been considered not only a mockery of every thing like virtue and justice, but a complete libel upon the dignity of human nature. The motives of the Constable may be justly appreciated, when we consider his aversion to any persons being removed from office for any crime whatever; had it not been for this well-known doctrine of a factional majority, he might still have been in office. Another jurymen, not habituated in the practice of disregarding his oath, but a sly cunning disciple of the land-measurer, and who nibbles a little in the business himself, suggested that it might have the same tendency on public sentiment if the presentment should be made without being accompanied with the sanctity of an oath. The idea was received with avidity, and accordingly the clause of their *being sworn* was instantly obliterated: Considering that, by an act so unprecedented they should belie and disgrace their understandings, and prostitute, to a purpose so ignoble, the glorious privilege of jurors, the erasure of the oath might be some extenuation. Now whether they were or were not upon oath, acting as they were in the capacity of jurors is a matter which has given rise to a new controversy. If they were upon oath, without intending it, they have run against a sawyer, and are objects of commiseration rather than severe animadversion. When these sages of constitutional law had resolved to make the presentment, and having had the attorney for the Commonwealth sworn to give evidence, and likewise a "Fiddler" to whose tune they were prepared to dance a fifteen handed reel they, by some power of hocus pocus, conceived themselves unworn, and on the succeeding morning a certain Jurymen, who was never suspected of possessing an original idea or aspiring to any thing higher than a mere instrument to re-echo the absurdities of the "Fiddler," produced a presentment fraught with much "nimble nonsense" and in the hand-write of this far-famed "Fiddler." The production is composed of detached pieces from Court-party essays, and not merely contradictory, but rendered perfectly ridiculous by the compilation. "They charge that the bill was drawn by men not belonging to the Legislature, and this is one of the grounds of complaint." Now it is a known fact that their presentment was drawn by a person, not belonging to the Grand Jury—and still they sanction and adopt it as a paper worthy the consideration of the people. This proves that they cannot be sincere. Do they believe the people to be as ignorant as themselves? or why do they complain of an offence, of which, they themselves are guilty in making the presentment, is it not more criminal to interfere with the deliberations of a jury, than it is, to assist in drawing a bill for a member of the Legislature? Surely it is. The Grand Jury is made an appendage to the court for wise and valuable purposes. Its duty is of ancient origin, well defined and limited by the acts of the General Assembly, and while it moves in its appropriate sphere no danger is to be apprehended from it. But when it is made a practical contrivance by designing men to give false colouring to popular sentiment and to promote the daring usurpations of the Judiciary, one of the main securities of the citizen is prostrated and taken away. For whenever either branch of this Government loses sight of the object for which it was made and exercises power which was never intended, disorder and confusion, and even anarchy must follow. During the sacred war of the Revolution, Grand Juries like a phalanx of brother patriots breathed liberty into the people and awakened them to a sense of their oppressions and wrongs; but never till now was their influence exerted to usurp power and give strength to the arm that has blasted the peace, and hopes and harmony of the country. Never before have Grand Juries attempted to lead free men to subjugation. Never before have they attempted to raise the fallen usurper and make the people love and follow him. It is a step unparalleled in the new world. We have to look for its example in those tyrannical and tyrannical empires in Europe from which our Fathers fled. It is like the life-guard of King Charles, who told the people to honor him when his foot-steps were marked with bloody desolation. And have our Grand Juries come to this? have they fallen so low as to become the blind and willing advocates of those who love power and forget right? What safety has the humble citizen now, if this body should desert him and give power and sanction to the daring struggles of an ambitious Aristocracy? None, unless he expects that irresistible sovereignty that sleeps within him. To act for himself, and to be thus dictated to. And what does the presentment mean? It means that the citizens of this State have no right to legislate for themselves and to judge of their own constitution. It means that their representatives have no right to repeal laws heretofore enacted, however unjust they may be. Upon the same principle it may be said that nothing is law but the will of the Judge, and that it is the Supreme Law of the land! This doctrine may suit those countries where the people have no rights, but here it ought and will be disclaimed. The weak and timid who have no resolution to oppose oppression from any

quarter may, perhaps, be scored into a slavish obedience; but the Revolutionary Patriot will regard it as he did the proclamation of George the third when he commanded him to return to his allegiance as a good and loyal subject. Shall we, however, answer the voice of this body, public opinion is answered not for the people there are no democratic and as kind of freedom as ever. I do not wish to be considered as intruding upon the rights of a majority of this well selected band who thus expect to advance the interests of their expiring party. Minorities have the right of thinking for themselves—but they have no right to rule the majority. Let us therefore continue to watch, with an unceasing vigilance, the friends of judicial omnipotence, until the all powerful voice of the people shall rise up in judgment against them and, with the irresistible violence of the storm, scatter their troops never again to be collected.

But who are they that cry so vociferously and so vehemently that the constitution is just? They are men who generate and give impulse to such measures as this presentment. They are the men who exert every energy to impede the progress of civil order, and zealously desire the eternal prostration of the Occupying Claimant Law.—Who are in favour of a Consolidated Government; and whose avicious enthusiasm is seeking to subvert the liberties of the people, and to fasten upon them a tribunal whose principles of Aristocracy and oppression will accord with their own.

These are the characters upon whom the Grand Jury would have the country to rely.—And such are the men who composed the grand retinue of this splendid usurpation. In my next I shall examine and refute the flagitious doctrine, and point out the numerous absurdities contained in the presentment.

LEONIDAS.

LA FAYETTE—NO. 4.
TO THE PEOPLE.
A free government cannot support itself, unless its own laws are capable of correcting the disorders of it.

The authority of the Supreme Court of the Union was produced in the last number of this paper, to prove that the controverted clause in our constitution with respect to the Judiciary, conferred the power of creating the Court of Appeals, upon the Legislature. The reason which induced the Convention to delegate that trust to the body which annually represents the people, rather than exercise that power itself, will be found in the maxim quoted from Montesquieu. The Convention itself, was a legislative body, authorized by the people to prescribe the paramount and permanent law which was to delineate and establish the Government. It declares the separate powers of the three departments, the Executive, Legislative and Judicial. It constituted and established the two former, defined their powers, provided their offices, the means and numbers to execute them, and fixed the time and place, when and where, they should be exercised. May it not be emphatically demanded why the same creative hand was not applied by the Convention to the Judiciary? That body was unquestionably competent to the task, and might well have declared how many Judges should sit in the Court of Appeals. It might have pointed out the powers it should exercise, and have given the officers to execute them. Examples are to be found in the Constitutions of Delaware and Maryland, and in those of other states in which the Court of Appeals is established by the Constitution, where the whole work is as carefully finished in respect to the functionalities and powers to be exercised in the Judicial department as it is perfectly completed in ours with regard to either the Executive or Legislative branch of the Government. If then, the Constitution of Kentucky intended that the Supreme Court of this state should be a constitutional court, why did it not pursue the course of Delaware and Maryland, and constitute the tribunal? Why did it give neither form nor substance to the court in the Constitution: neither say of what judges it should consist, nor define the powers it should exercise—but rather choose to leave the whole a blank—to present the vacant jurisdictions to the Legislature that it might supply the void? The motto quoted at the head of this paper answers all these interrogations; and the reasons which induced the Convention of Kentucky to leave the judiciary the subject of Legislative enactment, have been equally influential in other states. New-Hampshire, Massachusetts, Connecticut, Tennessee, South-Carolina and many other states in the Union have made the whole Judiciary department so expressly the creature of the Legislative will, to be repealed and restored at its pleasure, that even the sceptics, the Kentucky doubters dare not hesitate to make the admission—and yet who has heard of the dreadful results in those states, with which we are threatened in Kentucky, if the people should decide that the courts in this country are placed by the constitution within their own control, through their immediate representatives. And why has the wisdom of so many states concurred in conferring on their respective Legislatures the power of changing their Judicial systems? That their "own laws might be capable of correcting its disorders" that they might be capable of adapting it to the varying condition of society or the new views which experience might develop. It was intended by the Convention, that if the courts should by the introduction of false principles or precedents however honestly entertained, if by erroneous constructions the institution itself should swerve from the line in which it was intended to move, or if a change of the circumstances of the country or its increased experience, should show the propriety of a new organization of the system, that a remedy should be found in the great organ of the Government, which represents the people themselves. As it is to be supposed that while the constitution carefully provides for the dangers to be apprehended from the unintentional errors as well as the purposed wrongs of the two higher departments of the Government by making them immediately responsible to the people by repeated elections in addition to the modes of trial furnished by the Judiciary department wholly without corrective for its mistakes in addition to the remedies prepared for its abuses. Or is it to be supposed that while the Convention contemplated every thing else in our new Government to be progressive, and to be accommodated to the changes which the condition of the people or their experience might prove to be beneficial—while the Legislature itself is subject to alterations to meet some of those contingencies and is provided with powers to adapt the laws to the anticipated mutations in the wants or wishes of the people, is it to be supposed that the judiciary alone was intended to be exempt from the salutary influence which springs from, and is controllable by public opinion? No: the ex-Judges themselves dare not contend for this monstrous proposition. They admit that the courts of original jurisdiction in which the citizen has the deepest stake (for these tribunals his life and liberty as well as his property are the subjects of decision) are wholly within the Legislative control.—They admit that the Supreme Court itself is liable to alteration by the acts of the Legislature; and I will show from their own concessions that the whole system of the Supreme Court is susceptible of change, and may undergo a new creation by the same power, and that their late Honours now contend merely for themselves as the incumbents of the station.

to place the office itself might be abolished and *take away*. If then all of them were to abandon the bench at once, would it not follow as a consequence from their admission that the several offices could be abolished by the Legislature, and the Supreme Court organised on a different system? Would not the Legislature under such circumstances, up on the ground taken by the ex-Judges themselves, stand justified in removing the present system, which they now say is the impediment to reform, and be at liberty, as they were at their first meeting after the formation of the Constitution to adopt instead of the present, the system of Maryland, or that of any other Federal Government which brings under the Judges of the inferior courts to review, as an appellate tribunal their own decisions, delivered in their different circuits? What then let me demand is the obstacle to such reformation now, if the public interest required it? The old court would doubtless present themselves and declare that the tenure by which they held their appointments prohibited the alteration. This is indeed their last subterfuge, the only pretence left them, of which they endeavour to make the most by holding it that in the sentence above quoted from their address, which distinctly admits nevertheless that the office would be in the power of the Legislature if the officer should leave it. What is then the tenure by which the judge holds his appointment? It is truly set forth in the protest of the minority of the Legislature when they say that the Constitution declares "the Judges of the Supreme and inferior Courts should hold their offices during good behaviour & the continuance of their respective courts." Now it is apparent that the tenure of the judges of the Supreme and inferior courts is precisely the same, and consequently as it is admitted on all sides that it is no obstruction to the abolition of the offices of the inferior judges, it cannot upon any principle of reasoning be allowed to have an opposite effect when applied to the Judges of the Supreme Court. But let me call on the public to mark the adroit manner in which the late judges attempt to turn the Constitution wrong side out.—The Constitution declares that the judges shall hold their offices during good behaviour, and during the continuance of their respective courts: evidently shewing that however well they may behave in office, yet that they may be ousted by the discontinuance of the court itself. The judges have inverted this plain inference, and have made the office depend upon the continuance of the individual officer, and not as in the constitution, the officer upon the office. The Judge says "if I vacate the office, the office may be abolished;" but the Constitution declares that the office may be discontinued and the tenure of the individual who holds it, be destroyed. With what feelings will the people turn from the address of the late judges, so replete with efforts to impose on their understandings! Let it be with feelings of commiseration: such is the vain sophistry, with which the selfish heart clinging at once to power and profit, not unfrequently deludes the very bosom within which it beats, and cheats the head which it teaches, to play the part of a public deceiver.

